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STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

**APPLICATION FOR SEARCH WARRANT**

I, Benjamin Bierbaum, a licensed peace officer in the State of Minnesota, make an application to this Court for a warrant to search the premises described below, for the property and thing(s) described below.

I know the content of this application and affirm that the statements contained in this application are true based on my own knowledge, or are believed to be true.

I believe that the following described property and thing(s), namely:

**Google LLC for the following data associated with Google device ID number 104001820 from 2/14/18 to 4/14/18:**

- **All account information- including, but not limited to, subscriber and billing information, any IP address related to data access, logins, browsing history, forwarding numbers, SMS forwarding numbers, alternative email address, any linked social media accounts, Google Profiles, and any all past and current phone numbers associated with the account**
- **Location history-including Google Maps location searches, historical physical addresses, latitude and longitude data, estimated latitude and longitude location data, location history, include all information stored and maintained the "My Activity" associated with the listed Gmail address, all information currently stored in reference to the users "Timeline in Google Maps", or any other data captured and stored by Google by the listed Gmail user that would aid law enforcement in establishing historical location information related to the Gmail account use associated with Google ID number 104001820**

**NON-DISCLOSURE ORDER**

**It is further order that Google LLC not notify any person (including subscriber or customer to which materials relate) of the existence of the order for 180 days**

is or are at the premises described as:

**Google LLC**

**1600 Amphitheatre Parkway, City of Mountain View, County of Santa Clara County, State of California**

**\*\*\*To be served electronically through Google's online law enforcement portal\*\*\***

located in city or township of Brooklyn Park, County of Hennepin, State of Minnesota.

I apply for a search warrant on the following grounds:

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The facts establishing the grounds for issuance of a search warrant are as follows:

Your affiant, Ben Bierbaum, a licensed police officer in the State of Minnesota since 2008, is employed as a detective with the Brooklyn Park Police Department, County of Hennepin. Your affiant is currently assigned to the Investigations Division. In these capacities your affiant has received specialized training and experience in the investigation of property crimes. Your affiant has investigated the facts and circumstances of this case and believes the following to be true.

On 3/11/18 at 0545 hours, officers were dispatched to a burglary report at 8517 63rd Ave. N Brooklyn Park, Cams Bar. Officers found that a large rock had been thrown through a window. Nothing appeared to have been taken. Upon reviewing the CCTV footage, your affiant found that at 0542 hours, an individual wearing gloves, winter coat, and a stocking hat, threw a rock through a window and entered the building. The individual had a scarf covering his/her face. The individual checked the cash register till but found that the till was empty.

On 3/12/18 at 0818 hours, officers were dispatched to a burglary report at 6266 Boone Ave N Brooklyn Park, Virgin Hair Plus. Officers found that the cash register till, containing \$30,000, had been taken. Officers found the front window of the store had been smashed out and found a large rock on the store floor. Officers found the cash register till box in the back alley with miscellaneous coins scattered on the ground. Upon reviewing the CCTV footage, your affiant saw an individual throw a rock through the front window, enter the store, and take the cash register till on 3/12/18 at 0307 hours. The individual appears to be wearing a winter coat, a scarf over his/her face and socks on his/her hands.

On 3/14/18, at 0247 hours, officers were dispatched to a business intrusion alarm covering a front glass break sensor at 6300 Zane Ave. N Brooklyn Park, Shell Gas Station. Officers arrived on scene and found a piece of a cinder block had been thrown through the window. and saw that the cash register till box was missing. Your affiant reviewed the CCTV footage and saw an individual wearing gloves, a winter coat, and stocking hat, enter the building through the broken window. The individual had covering on his/her face. The business owner advised that \$500 in cash was missing. The cash register till box was not located in the area.

On 3/17/18 at 0151 hours officers were dispatched to a business intrusion alarm at 6266

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Boone Ave N Brooklyn Park, Virgin Hair Plus. Officers found that the glass on the lower portion of the front glass door had been broken out. Officers located a large rock in the store and found that the cash register till box was missing. The cash register till box wasn't located in the area.

Your affiant later spoke to the business owner and found that \$1,000 was in the cash register till box. Your affiant reviewed the CCTV footage and saw an individual wearing gloves, a winter coat, stocking hat, enter the building through the broken window. The individual had a covering over his/her face. Based on the clothing featured in the four CCTV videos, it appears to be the same suspect all four burglaries, based on the patterns of the clothing.

Your affiant is aware that a high percentage of the population regularly carries and uses a cellular phone or other mobile electronic device with them during their day to day activities. Many of those devices use services provided by Google such as Gmail, Google Maps, Google Earth, and the Google Internet search engine. These services can be accessed through the Internet or as apps running on a consumer's device. The services may be actively in use or running in the background on the device without the user's knowledge. Your affiant is aware that Google monitors its customers' activities and location through its free apps and services in order to provide more timely responses to queries and for targeted advertising. Google anonymizes the user data by assigning each device that accesses its services with a unique device ID that is linked to the electronic serial number of the device. Your affiant is aware that when a device enters the range of a new cellular or Wi-Fi antenna, the device will probe the antenna to see if the device can connect to it. Google uses this probe data to obtain GPS locations of its customers and stores that information on its servers.

It is common for individuals committing burglaries to work in groups of two or more to facilitate transportation of property and individuals involved in the burglary away from the crime scene. Individuals involved in burglaries will frequently use cellular or other mobile devices to communicate with co-conspirators during the burglary. Your affiant knows that unique Google device IDs seen at the location of the burglary scenes could belong to the suspects. Your affiant believes it likely that the suspect(s) traveled to the burglary locations shortly before the burglaries and fled the area immediately afterward. Your affiant believes that comparing the activity times of the unique device IDs will aid in identifying the device IDs that belong to the suspect(s).

On 8/31/18, your affiant presented probable cause to the Honorable Judge Margaret Daly for the Google device ID number(s) found in the below listed geographical areas and times:

- Cam's Bar, located at 8517 63rd Ave. N Brooklyn Park, is a structure within a polygon roughly bound by GPS coordinates: (45.069107 latitude -93.389696 longitude), (45.069166 latitude, -93.388933 longitude), (45.068738, latitude -93.389661 longitude), and (45.068764 latitude -93.388922 longitude). On 3/11/18 from 0515 hours to 0615

hours.

- Virgin Hair Plus, located at 6266 Boone Ave N Brooklyn Park, is a structure within a polygon roughly bound by GPS coordinates: (45.068045 latitude, -93.388863 longitude), (45.067937 latitude, -93.388856 longitude), (45.067910 latitude, -93.389365 longitude), and (45.068009 latitude, -93.389358 longitude). On 3/12/18 from 0230 hours to 0330 hours and 3/17/18 from 0130 hours to 0230 hours.
- Shell Gas Station, located at, 6300 Zane Ave. N Brooklyn Park, is a structure with a polygon roughly bound by GPS coordinates: (45.069869 latitude, -93.353861 longitude), (45.069552 latitude, -93.353844 longitude), (45.069906 latitude, -93.354411 longitude), and (45.069523 latitude, -93.354357 longitude). On 3/14/18 from 0215 to 0315 hours.

On 11/1/18, your affiant received the requested data from Google LLC and found Google Device ID # 104001820 was present on 3/14/18 at 0229 hours and 0254 hours within a 52 meter radius of 45.069712, -93.354011. These GPS coordinates are contained with a polygon which contains Shell Gas Station, located at, 6300 Zane Ave. N Brooklyn Park.

Your affiant knows that anyone can use a cellular device at any time and that records of device activity do not necessarily show that the activity was initiated or received by the account holder. Your affiant further knows that location information indicates that a person was in the area at a given date and time, but that an individual record does not indicate whether the person regularly frequents an area or whether they were only there one time. Your affiant knows that subscriber information can be very different than where a person actually stays or frequents, which can be important in determining who was actually using a device at a date and time of interest. Because examining location information for an account over a wider period of time can help to establish patterns of life in a device user, your affiant requests two months of information on the account.

Your affiant knows that Google and Google Legal Investigations Support maintains its records at 1600 Amphitheatre Parkway, Mountain View, Santa Clara County, California and that Google receives legal process electronically. Your affiant further knows that Google is an electronic communication services provider who offers remote computing services to residents of the state of Minnesota. Pursuant to MSS 626.18 any administrative subpoena or search warrant properly served on a foreign corporation providing "electronic communication services" or "remote computing services" as defined in United States Code, title 18, sections 2701 to 2711, as amended through March 1, 2001, has the same legal force and effect as if served personally within the state of Minnesota. Therefore, your affiant respectfully requests a search warrant to search Google, located at 1600 Amphitheatre Parkway, Mountain View, Santa Clara County, California, to be served electronically.

Your affiant knows that pursuant to their own internal policy, Google notifies account holders of inquiries by law enforcement unless specifically barred from doing so by the search warrant or a court order. Your affiant believes that alerting the owner(s) of the Google account(s) of this investigation would cause the suspect(s) to hide or destroy

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evidence, alert co-conspirators, or to otherwise interfere with the investigation.

Therefore, your affiant respectfully requests to search Google LLC located at 1600 Amphitheatre Parkway, City of Mountain View, County of Santa Clara County, State of California for the following data associated with Google device ID number 104001820 from 2/14/18 to 4/14/18:

- All account information- including, but not limited to, subscriber and billing information, any IP address related to data access, logins, browsing history, forwarding numbers, SMS forwarding numbers, alternative email address, any linked social media accounts, Google Profiles, and any all past and current phone numbers associated with the account
- Location history-including Google Maps location searches, historical physical addresses, latitude and longitude data, estimated latitude and longitude location data, location history, include all information stored and maintained the "My Activity" associated with the listed Gmail address, all information currently stored in reference to the users "Timeline in Google Maps", or any other data captured and stored by Google by the listed Gmail user that would aid law enforcement in establishing historical location information related to the Gmail account use associated with Google ID number 104001820

Your affiant also requests an order that Google not disclose this search warrant to any of its customers for at least 180 days after the execution of the search warrant.

**(End of Page)**

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I request a search warrant be issued, commanding Benjamin Bierbaum, a peace officer of the State of Minnesota, and any other authorized person, to enter and search between the hours of 7 a.m. and 8 p.m. to search the above described premises for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

**I declare under penalty of perjury that everything stated in this document is true and correct.**

**Applicant: Benjamin Bierbaum**  
Brooklyn Park Police Dept  
Electronically Signed  
11/02/2018 9:43 AM  
Hennepin County, Minnesota

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STATE OF MINNESOTA, COUNTY OF HENNEPIN

DISTRICT COURT

**SEARCH WARRANT**

TO: BENJAMIN BIERBAUM, A PEACE OFFICER OF THE STATE OF MINNESOTA.

WHEREAS, Benjamin Bierbaum has this day on oath made an application to this Court for a warrant to search the following described premises :

**Google LLC****1600 Amphitheatre Parkway, City of Mountain View, County of Santa Clara County, State of California****\*\*\*To be served electronically through Google's online law enforcement portal\*\*\***

located in city or township of Brooklyn Park, State of Minnesota for the following described property and thing(s):

**Google LLC for the following data associated with Google device ID number 104001820 from 2/14/18 to 4/14/18:**

- **All account information- including, but not limited to, subscriber and billing information, any IP address related to data access, logins, browsing history, forwarding numbers, SMS forwarding numbers, alternative email address, any linked social media accounts, Google Profiles, and any all past and current phone numbers associated with the account**
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**NON-DISCLOSURE ORDER**

**It is further order that Google LLC not notify any person (including subscriber or customer to which materials relate) of the existence of the order for 180 days**

WHEREAS, the application of Benjamin Bierbaum was duly presented and read by the Court, and being fully advised in the premises.

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NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following ground(s):

- The property or things above-described constitutes evidence which tends to show a crime has been committed, or tends to show that a particular person has committed a crime.

The court further finds that probable cause exists to believe that the above-described property and thing(s) is or are at the above-described premises

**(End of Page)**



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NOW, THEREFORE, you Benjamin Bierbaum, peace officer of the State of Minnesota, and any other authorized person, are hereby commanded to enter and search between the hours of 7 a.m. and 8 p.m., to search the above-described premises, for the described property and thing(s), and to seize and keep said property and thing(s) in custody until dealt with according to law.

BY THE COURT

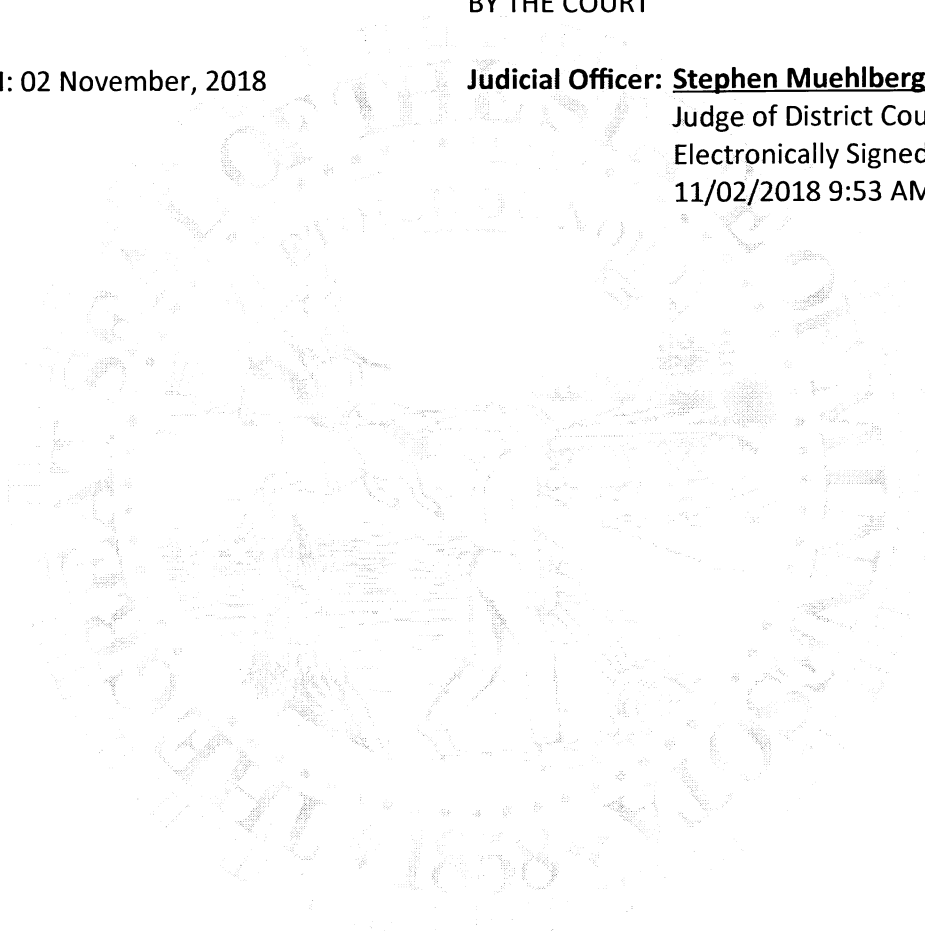
ISSUED ON: 02 November, 2018

Judicial Officer: Stephen Muehlberg

Judge of District Court

Electronically Signed

11/02/2018 9:53 AM



STATE OF MINNESOTA, COUNTY OF Hennepin

DISTRICT COURT

**RECEIPT, INVENTORY AND RETURN**

I, Det. Bierbaum, received the attached search warrant issued by the Honorable Judge Stephen Muehlberg, on 11/02/2018, and have executed it as follows:

Pursuant to the warrant, on 11/02/2018, at 10:06 o'clock am, I searched the following described in the search warrant.

☒ Premises ☐ Motor Vehicle ☐ Person

I have left a true and correct copy of the search warrant (with) (in) (at)

Google LLC 1600 Amphitheater Parkway Mountain View, California 94043

I took into custody the property and things listed below: (attach and identify addition sheets if necessary).

Data for Google ID # 104001820

**Check the appropriate:**

- ☒ I left a receipt for the property and things listed above with a copy of the warrant.
- ☐ None of the items set forth in the search warrant was found.
- ☐ I shall retain or deliver custody of said property as directed by court order.

**"I declare under penalty of perjury that everything I have stated in this document is true and correct." Minn. Stat. 358.116.**

*Det. Bierbaum #226* Date: 11/15/2018  
(Signature)

County: Hennepin State: Minnesota

COPIES TO: • COURT • PROS. ATTORNEY • PEACE OFFICER • PREMISES/MOTOR VEHICLE/PERSON